

REMARKS/ARGUMENTS

The Office Action mailed April 13, 2004 has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Applicant has amended the Application to attend to housekeeping matters and to more clearly describe the invention. Claim 1 was amended to recite a laundry detergent for inhibiting dye-transfer in washing textiles which consists of dye-transfer-inhibiting dye fixatives and at least one component selected from the group of anionic surfactants, cationic surfactants, non-ionic surfactants, detergent builders, soil release polymers, cellulases, bleaches, softening components, perfume, emulsifiers, electrolytes, fillers, optical brighteners, disinfectants, alkalis, hydroscopic compounds, antioxidants, solvents, solubilizers, dyes, and mixtures thereof. Support for this amendment may be found in Applicant's Specification in paragraph [0007] and [0008] and in originally filed claims 2-9. Claims 2 through 5 were amended to properly refer to amended claim 1. New claims 10 and 11 recite that the fixatives a) are obtained by reacting dimethylamines with epichlorohydrin, and fixatives b) are obtained by reacting dicyanodiamine with ethylenediamine and formaldehyde, respectively. Support for new claims 10 and 11 may be found in applicants Specification in paragraph [00087] and originally filed claim 1. New claims 12 and 14 recite a method for inhibiting dye transfer in washing dyed textiles using the laundry detergent of claim 1. Support for new claims 12 and 14 may be found in Applicant's Specification in paragraphs [00088] and [00089] and originally filed claim 1. New claims 13 and 14 recite bleaches and dye transfer inhibitors which can be employed with the dye-transfer-inhibiting dye fixatives of the instant invention. Support for new claims 13 and 14 may be found in Applicant's Specification in paragraphs [00065] and [00062], respectively. It is believed that no new matter has been introduced by these amendments and that no additional search is required by the office.

Applicant's invention relates to the surprising discovery that certain dye fixative agents act as dye transfer inhibitors when added to a detergent and the detergent together with the dye-transfer-inhibitor dye fixative are used in washing liquor to clean colored fabrics. Applicant discovered that the reaction products of amines with epichlorohydrins, or the reaction products of cyanamides with amines and formaldehyde when added to standard test detergents both with and without bleach, and with and without conventional dye transfer inhibitors, significantly improved the color retention of the colored fabrics.

Claims 1-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/00767('WO767). The rejection of claim 1 as amended under 35 U.S.C. 103(a) as being unpatentable over WO 01/00767 should be withdrawn for the reason that the WO reference does not disclose the claimed dye-transfer-inhibiting dye fixative of the present invention. The 'WO767 broadly discloses a fabric enhancement system which includes a very large number of polyamine compounds and a transition metal-comprising dye protection system which comprise oligomers formed by the reaction of one or more substituted or unsubstituted polymerizable imidazoles with an epihalohydrin crosslinking agent. Nowhere in the 'WO767 reference is it taught or suggested that reaction products of amines with epichlorohydrins, or the reaction products of cyanamides with amines and formaldehyde would produce dye transfer inhibiting dye fixatives which could be used in conjunction with laundry detergents to protect and retain colors in fabrics during the laundry process, without the need for a transition metal-comprising dye protection system (See page 14). The rejection of claims 2-7 as amended under 35 U.S.C. 103(a) as being unpatentable over WO 01/00767 should be withdrawn for the reasons given in support of claim 1 from which they depend.

Claims 1, 2, 4 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al. (US 4,634,544) ('544). The rejection of claim 1 as amended under 35 U.S.C. 103(a) as being unpatentable over Weber et al. (US 4,634,544) should be withdrawn for the reason that the '544 reference requires an acylcyanamide salt and broadly discloses a water soluble organic polymer such as a polyamine which is an adduct or condensate of polyfunctional aliphatic amines and

epichlorohydrin. Applicant's dye transfer inhibiting dye fixative are reaction products of amines with epichlorohydrins, or the reaction products of cyanamides with amines and formaldehyde, which are not disclosed in the '544 reference, and Applicant's claims exclude such additional components such as acylcyanamide salts. Therefore, the rejection of claim 1 as amended under 35 U.S.C. 103(a) as being unpatentable over Weber et al. (US 4,634,544) should be withdrawn for the reason that both suggestion and expectation of success must be found in the prior art, not in the Applicant's disclosure. The rejection of claims 2, 4, and 9 as amended under 35 U.S.C. 103(a) as being unpatentable over Weber et al. (US 4,634,544) should be withdrawn for the reason given in support of claim 1 from which claims 2, 4, and 9 depend.

Claims 1-5 and 7-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Panandiker et al. (US 6,596,678) ('678). The rejection of claim 1 as amended under 35 U.S.C. 103(a) as being unpatentable over Panandiker et al. (US 6,596,678) should be withdrawn for the reason that Panandiker is relied upon for disclosing a polyelectrolytic complex of which the cationic portion (polymer) is prepared by reacting at least one amine and a crosslinking agent such as an epihalohydrin. Furthermore, Panandiker et al. requires the presence of a polymeric anion source which is contained within the polyelectrolytic complex of cationic and anionic polymers. Thus, the anionic polymer must be directly associated with the cationic polymer as in a salt wherein both the cationic and the anionic portions are combined in a polyelectrolytic complex, not simply mixed in a dry form as with the addition of a detergent builder to a detergent. Applicant's invention as now claimed are dye transfer inhibiting dye fixatives which are reaction products of amines with epichlorohydrins, or the reaction products of cyanamides with amines and formaldehyde, which are not electrolytically combined with an anion source as disclosed in the '678 reference. Therefore, the rejection of claim 1 as amended under 35 U.S.C. 103(a) as being unpatentable over (US 6,596,678) should be withdrawn for the reason that both suggestion and expectation of success must be found in the prior art, not in the Applicant's disclosure. The rejection of claims 2-5 and 7-9 under 35 U.S.C. 103(a) as being unpatentable over (US 6,596,678) should

be withdrawn for the reasons given in support of amended claim 1 from which they depend.

Claim 1 was rejected under 35 USC §102(e) as being anticipated by Moorfield et al (US 2004/0023836), which was filed in the US on 23 June, 2003 and published as US 2004/0023836 on 5 February 2004, and claims priority to an international application (PCT/EP01/09653, filed 8/21/2001) which claims priority of a British application, GB0021482.1, filed 09/01/2000. The Applicant claims the priority of an earlier filing date under 35 USC 119 based on the filing of German applications DE10110337.9 on 3/3/2001 and DE10150723.2, filed 10/13/2001. The DE10110337.9 application discloses and claims a laundry detergent comprising a dye-transfer-inhibiting dye fixative obtained by reacting a) dimethylamine and epichlorohydrin, or dicyanodiamide with ethylenediamine and formaldehyde. The DE10150723.2 application discloses and claims a laundry detergent comprising said fixative obtained by reacting a) amine and epichlorohydrin, or cyanoamide with amine and formaldehyde. Certified copies of these application and accurate translations of these certified copies of the priority applications are being submitted with this response. Thus, Applicant's priority date of 3/3/2001 is earlier than Moorfield's international filing date which is almost 12 months earlier than its US filing date. Therefore the rejection of claim 1 under 35 USC §102(e) as being anticipated by Moorfield et al (US 2004/0023836) should be withdrawn for the reason that the Moorfield reference can not properly be considered prior art.

Claims 2-7 were rejected under 35 USC §103(a) as being unpatentable over Moorfield et al. (US 2004/0023836). The rejection of claims 2-7 under 35 USC §103(a) as being unpatentable over Moorfield et al. (US 2004/0023836) should be withdrawn for the reasons given hereinabove with reference to claim 1 from which they depend.

Claims 8 and 9 were rejected under 35 USC §103(a) as being unpatentable over WO 01/00767 or Moorfield et al. (US 2004/0023836) as applied to the rejected claims above, and further in view of Panandiker et al. (US 6,596,678). Claims 8 and 9 are dependent claims wherein the laundry detergent further comprises cellulases and bleaches, respectively. As discussed hereinabove, neither the WO 01/00767

nor the Panandiker et al. reference taken separately or together disclose applicant's invention as now claimed. Any rejection based on the Moorfield et al. reference is improper because the Moorfield et al. reference is not prior art. Therefore rejection of claims 8 and 9 under 35 USC §103(a) as being unpatentable over WO 01/00767 or Moorfield et al. , and further in view of Panandiker et al. (US 6,596,678) should be withdrawn for the reasons given hereinabove in support of claim 1 and for the reason that the addition of the cellulases and bleaches terms does not provide the suggestion to do what the applicant has done. It is impermissible within the framework of Section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what the invention fairly suggests to one of ordinary skill in the art.

Claim 6 is rejected under 35 USC 103(a) as being unpatentable over Panandiker et al. (US 6,596,678) as applied to claims 1, 2 and 4-7 above, and further in view of WO 01/00767. Claim 6, as amended recites conventional dye transfer inhibitors which can be used in conjunction with applicant's dye-transfer-inhibiting dye fixative. As discussed hereinabove, neither Panandiker et al., nor the 'WO767 reference discloses applicant's invention as recited in amended claim 1. Furthermore, Applicant's invention demonstrates unexpected results. Compare the showing in Applicant's Specification in Table 1 and 3 without the addition of bleach, and tables 2 and 4 with the addition of bleach. Tables 7 and 8 show the results of the dye inhibiting dye fixative of the present invention with and without conventional dye transfer inhibitor (See Table 3-Compact Washing Powder and Table 7 with and without additive of the instant invention.). These results show significant advantage in color retention both with and without the bleach using the dye-transfer-inhibiting dye fixative in combination with a conventional dye transfer inhibitor. Similarly, comparing Tables 9 and 10 contrast the results of with and without bleach for a second reference detergent. Examples 1 and 2 of these tables corresponds to the materials of claim 1a) and claim 1b). In all cases a significant improvement in color retention was demonstrated. Therefore the rejection of claim 6 under 35 USC

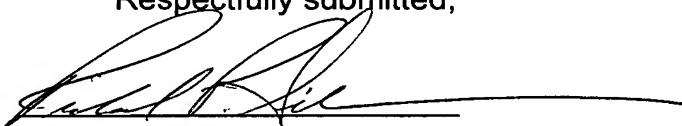
§103(a) as being unpatentable over WO 01/00767 as applied to the rejected claims above, and further in view of Panandiker et al. (US 6,596,678) should be withdrawn.

Claims 1-9 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 10/085,712. Applicant has previously amended claim 1 of the 10/085,712 application which removed any overlapping claims between the Applications. Therefore the provisional rejection of Claims 1-9 under the judicially created doctrine of double patenting over the claims 1-7 of copending Application No. 10/085,712 should be withdrawn.

It is respectfully submitted that, in view of the above remarks, the rejections under 35 U.S.C. §102 and §103 and the rejection under the judicially created doctrine of obviousness-type double patenting should be withdrawn and that this application is in a condition for an allowance of all pending claims. Accordingly, favorable reconsideration and an allowance of all pending claims are courteously solicited.

An early and favorable action is courteously solicited.

Respectfully submitted,



Richard P. Silverman
Registration No. 36,277, Agent for Applicants

(CUSTOMER NUMBER 25,255)

CLARIANT CORPORATION
INDUSTRIAL PROPERTY DEPARTMENT
4000 Monroe Road, Charlotte, NC 28205
Telephone: (704) 331-7156, Facsimile: (704) 331-7707

Attachments:

Petition for 2-month extension of time
Certified copies of DE10110337.9 and DE10150723.2
Accurate translations of the Certified Priority Documents